

Oct 22, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JACK WILLIAM J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03050-RHW

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 18.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-434, and his application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C. §1381-1383F. *See* AR 1-7, 14-35. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings, including a new hearing. ECF No. 18. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** their motion.

ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 The Commissioner's decision to deny Plaintiff's applications for Social
2 Security benefits is **REVERSED** and **REMANDED** for further proceedings
3 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative
4 Law Judge (ALJ) will:

- 5 • evaluate the additional evidence submitted to the Appeals Council;
- 6 • obtain evidence from a medical expert to clarify the nature, severity, and
7 effects of the claimant's impairments;
- 8 • re-evaluate the opinion evidence of record, if warranted by the expanded
9 record;
- 10 • reevaluate the claimant's residual functional capacity;
- 11 • obtain supplemental vocational expert evidence to clarify the effect of the
12 assessed limitations on the claimant's ability to perform other work in the
13 national economy; and
- 14 • offer the claimant the opportunity for a de novo hearing, take any further
15 action needed to complete the administrative record, and issue a new
16 decision.

17 *See* ECF No. 18 at 2. Moreover, if the ALJ's new residual functional capacity
18 assessment conflicts with an opinion from a medical source, the ALJ must explain
19 why the opinion was not adopted. *Id.*

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Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**.
2. The Commissioner's decision is **REVERSED** and this matter is **REMANDED** for further administrative proceedings consistent with this order.
3. Plaintiff's Motion for Summary Judgment, **ECF No. 11**, is now **MOOT**.
4. The District Court Executive shall enter judgment for the Plaintiff and against Defendant.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to counsel, and **close the file**.

DATED this 22nd day of October, 2019.

s/Robert H. Whaley
ROBERT H. WHALEY
Senior United States District Judge